

1 **STEVE EMERY TEICH**

Cal. State Bar No. **78397**

2 1390 Market Street

Fox Plaza, Suite 310

3 San Francisco, CA 94102

Telephone: (415) 864-5494

4 Attorney for Defendant

5 **CLAUDIO BETANCOURT**

6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9 **UNITED STATES OF AMERICA,**

10 **UNITED STATES OF AMERICA,**)

11 Plaintiff,)

12 v.)

13 **CLAUDIO BETANCOURT,**)

14 Defendant.)

CR. 12-00233-DLJ

**STIPULATION AND || ORDER
TO CONTINUE SETTING DATE AND TO
EXCLUDE TIME UNDER SPEEDY TRIAL
ACT[18 U.S.C. § 3161(h)]**

15 Defense counsel is currently in trial in the Northern District Court before Honorable Judge
16 Chesney, in the case of *United States vs. Victor Santos*, 11-cr-0440. The trial is expected to last
17 until July 30, 2012. Defense counsel therefore requests a continuance of the case set before Judge
18 Jensen until August 9, 2012 at 9:00 a.m. which is the next Thursday morning available to defense
19 counsel. Defense makes this request to provide for continuity of counsel. Defense counsel also
20 requests the matter of reconsideration of bail now set before Magistrate Judge Singh Grewal at
21 1:30 p.m. to be vacated and to be reset by counsel.

22 Based on these facts, the parties stipulate and agree that the trial delay and exclusion of
23 time requested herein is necessary to provide defendant continuity of counsel. The parties further
24 stipulate and agree that the ends of justice to be served by granting the requested continuance
25 outweigh the best interests of the public and the defendant in a speedy trial. The parties, through
26 their respective counsel, hereby stipulate and request that the hearing on the setting date scheduled
27 in this case for July 26, 2012, at 9:00 a.m before Judge Jensen should be vacated and the matter
28 reset for a hearing on for August 9, 2012, at 9:00 a.m., or as soon thereafter as may be heard by the

1 Court. The matter before Magistrate Judge Singh Grewal should be dropped from calendar to be
2 reset by defense counsel. In addition, the parties stipulate that the time period from July 26, 2012,
3 to August 9, 2012, should be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and
4 (B)(iv), and due to the need to provide defendant with continuity of counsel with the reasonable
5 time to prepare. A proposed order is attached and lodged separately for the Court's convenience.

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7 Respectfully submitted,

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9 DATED: July 25, 2012

10 By: /s/ Steve E. Teich
11 STEVE E. TEICH
12 Attorney for Defendant
13 CLAUDIO BETANCOURT

14 DATED: July 25, 2012

15 MELNDA HAGG
16 United States Attorney

17 By: /s/ Daniel Kaleba
18 DANIEL KALEBA
19 Assistant U.S. Attorney
20 For the United States of America
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLAUDIO BETANCOURT,

Defendant.

CR. No. CR. 12-00233-DLJ

~~[PROPOSED]~~ **ORDER TO CONTINUE
SETTING DATE AND TO EXCLUDE TIME
UNDER SPEEDY TRIAL ACT
[18 U.S.C. § 3161(h)]**

Based on the reasons set forth in the stipulation of the parties filed on July 25, 2012, and good cause appearing therefrom, the Court adopts the stipulation of the parties in its entirety.

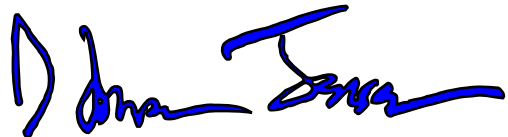
IT IS HEREBY ORDERED that the hearings scheduled for July 26, 2012, before Judge Jensen and Magistrate Judge Singh Grewel is vacated and that the case before Judge Jensen is set for a hearing on **August 9, 2012, at 9:00 a.m.** or as soon thereafter as may be heard by the Court.

The Court further finds that the ends of justice that will be served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, **IT IS HEREBY ORDERED** that, for the reasons stated in the parties' July 25, 2012 stipulation, the time within which the trial of this matter must be commenced under the Speedy Trial Act is **EXCLUDED** during the time period from July 24, 2012, through August 9, 2012, pursuant

1 to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), due to the need to provide defendant continuity of
2 counsel

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4 **IT IS SO ORDERED.**

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7 DATED: i 10 17G

8 By: 
9 **HONORABLE LLOYD JENSEN**
10 United States District Judge
11 Northern District of California
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